

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, )  
 ) CR-18-00258-EJD  
 PLAINTIFF, )  
 ) SAN JOSE, CALIFORNIA  
 VS. )  
 ) FEBRUARY 9, 2021  
 RAMESH SUNNY BALWANI, )  
 ) PAGES 1 - 14  
 DEFENDANT. )  
 \_\_\_\_\_ )  
 )

TRANSCRIPT OF ZOOM PROCEEDINGS  
BEFORE THE HONORABLE EDWARD J. DAVILA  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFF: UNITED STATES ATTORNEY'S OFFICE  
BY: JOHN C. BOSTIC  
JEFFREY B. SCHENK  
150 ALMADEN BOULEVARD, SUITE 900  
SAN JOSE, CALIFORNIA 95113  
  
BY: ROBERT S. LEACH  
VANESSA BAEHR-JONES  
1301 CLAY STREET, SUITE 340S  
OAKLAND, CALIFORNIA 94612

(APPEARANCES CONTINUED ON THE NEXT PAGE.)

OFFICIAL COURT REPORTER:

IRENE L. RODRIGUEZ, CSR, RMR, CRR  
CERTIFICATE NUMBER 8074

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY  
TRANSCRIPT PRODUCED WITH COMPUTER

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A P P E A R A N C E S: (CONT'D)

FOR DEFENDANT BALWANI: ORRICK, HERRINGTON & SUTCLIFFE LLP  
BY: JEFFREY COOPERSMITH  
AMANDA MCDOWELL  
AMY WALSH  
GUY SINGER  
JENNA VILKIN  
MOLLY MCCAFFERTY  
AARON BRECHER  
KORY DECLARK  
701 FIFTH AVENUE, SUITE 5600  
SEATTLE, WASHINGTON 98104

1 SAN JOSE, CALIFORNIA

FEBRUARY 9, 2021

2 P R O C E E D I N G S

10:13AM 3 (COURT CONVENED AT 10:13 A.M.)

10:13AM 4 THE COURT: THANK YOU. GOOD MORNING.

10:13AM 5 LET'S CALL 18-258, UNITED STATES VERSUS RAMESH SUNNY  
10:13AM 6 BALWANI.

10:14AM 7 LET ME CAPTURE THE APPEARANCES OF THE PARTIES FIRST,  
10:14AM 8 PLEASE. THIS IS A REMOTE PROCEEDING.

10:14AM 9 WHO APPEARS FOR THE GOVERNMENT, PLEASE.

10:14AM 10 MR. LEACH: GOOD MORNING, YOUR HONOR.

10:14AM 11 ROBERT LEACH ON BEHALF UNITED STATES. I'M HERE WITH  
10:14AM 12 VANESSA BAEHR-JONES, JOHN BOSTIC, AND JEFF SCHENK FROM MY  
10:14AM 13 OFFICE.

10:14AM 14 THE COURT: THANK YOU. GOOD MORNING EVERYONE.

10:14AM 15 AND WHO APPEARS FOR THE DEFENDANT?

10:14AM 16 MR. COOPERSMITH: GOOD MORNING, YOUR HONOR. THIS IS  
10:14AM 17 JEFF COOPERSMITH ON BEHALF OF MR. BALWANI. MR. BALWANI IS ALSO  
10:14AM 18 PRESENT VIA ZOOM.

10:14AM 19 I HAVE COLLEAGUES WITH ME WHO ALSO HAVE APPEARED:  
10:14AM 20 AMY WALSH, GUY SINGER, AMANDA MCDOWELL, JENNA VILKIN, MOLLY  
10:14AM 21 MCCAFFERTY, AARON BRECHER, AND KORY DECLARK.

10:14AM 22 I'M SORRY FOR THE LARGE CROWD, YOUR HONOR, BUT WE HAVE  
10:14AM 23 SOME MEMBERS WHO WANTED TO WITNESS THE PROCEEDINGS FOR  
10:14AM 24 THEMSELVES.

10:14AM 25 MR. BALWANI IS ON ZOOM, AND WE DO HAVE AN ABILITY TO

10:14AM 1 COMMUNICATE WITH HIM OUTSIDE OF THE ZOOM CALL IF NECESSARY.

10:14AM 2 THE COURT: THANK YOU. AND HE DOES CONSENT TO THIS  
10:15AM 3 PROCEEDING VIA THE ZOOM TECHNOLOGY OWING TO THE COVID PANDEMIC  
10:15AM 4 AND THE RECENT COURT ORDERS?

10:15AM 5 MR. COOPERSMITH: YES, YOUR HONOR.

10:15AM 6 THE COURT: ALL RIGHT. THANK YOU. AND THANK YOU TO  
10:15AM 7 NEW MEMBERS OF MR. BALWANI'S TEAM. THANK YOU. IT'S A PLEASURE  
10:15AM 8 TO MEET YOU, AND THANK YOU FOR JOINING US THIS MORNING.

10:15AM 9 DID YOU INTRODUCE, MR. LEACH, MR. SCHENK? I'M NOT SURE I  
10:15AM 10 HEARD YOU INTRODUCE MR. SCHENK, BUT I SEE HIM ON THE SCREEN,  
10:15AM 11 AND HE'S PART OF YOUR TEAM AS WELL.

10:15AM 12 MR. LEACH: THAT'S CORRECT, YOUR HONOR.

10:15AM 13 ALSO JEFF NEDROW FROM MY OFFICE IS ON THE SCREEN. HE'S  
10:15AM 14 NOT MAKING A FORMAL APPEARANCE, BUT HE'S WITH OUR OFFICE AND --

10:15AM 15 THE COURT: RIGHT. NO. I HEARD HIS NAME CALLED  
10:15AM 16 PREVIOUSLY. I'M NOT SURE I HEARD MR. SCHENK'S.

10:15AM 17 THANK YOU ALL FOR BEING HERE. WELL, TODAY IS A DATE SET  
10:15AM 18 FOR A STATUS CONFERENCE, AND LET ME JUST GO BACKWARDS IN TIME  
10:15AM 19 FOR JUST A MOMENT.

10:15AM 20 ON DECEMBER 7TH, I THINK WE LAST MET, AND WE HAD TALKED  
10:15AM 21 ABOUT A SCHEDULE. YOU PRESENTED TO ME WHAT IS NOW KNOWN AS  
10:16AM 22 DOCKET 621, WHICH WAS YOUR SCHEDULE IN PLACE FOR THE TRIAL OF  
10:16AM 23 MR. BALWANI.

10:16AM 24 OF COURSE, YOU NOW KNOW THAT -- AND I THINK AT THAT  
10:16AM 25 HEARING I TOLD YOU, I THANKED YOU FOR YOUR WORK ON THAT

10:16AM 1 SCHEDULE, AND I TOLD YOU I WOULD LOOK AT THE SCHEDULE AND GET  
10:16AM 2 BACK TO YOU WITH AN UPDATED SCHEDULE AFTER THE COURT REVIEWED  
10:16AM 3 IT.

10:16AM 4 THEN, OF COURSE, YOU'RE ALL AWARE ABOUT TEN DAYS LATER THE  
10:16AM 5 COURT HAD A HEARING IN THE COMPANION CASE, AND I MOVED THE  
10:16AM 6 TRIAL DATE FROM MARCH TO JULY. SO YOUR DOCUMENT 621 AND ALL OF  
10:16AM 7 THE GREAT EFFORTS THAT YOU PUT IN THAT WAS BASED ON A TRIAL  
10:16AM 8 DATE OF THE COMPANION CASE IN MARCH.

10:16AM 9 OF COURSE, THE SCHEDULE NOW IN 6-21 MY SENSE OVERLAPS  
10:16AM 10 SIGNIFICANTLY WITH THE COMPANION CASE SUCH THAT I DON'T THINK  
10:16AM 11 THAT THE PARTIES WISH ME TO ADOPT THIS CURRENT SCHEDULE, AND MY  
10:16AM 12 SENSE IS THAT WE SHOULD PERHAPS TALK ABOUT A NEW SCHEDULE, BUT  
10:17AM 13 CONCURRENT WITH THAT I THINK WE SHOULD ALSO TALK ABOUT THE  
10:17AM 14 TRIAL DATE FOR MR. BALWANI'S MATTER AND WHAT THAT LOOKS LIKE  
10:17AM 15 REALISTICALLY AS WELL.

10:17AM 16 LET ME TELL YOU IN THE COMPANION CASE I'M INFORMED THAT I  
10:17AM 17 THINK THE PARTIES HAVE SAID THAT THAT TRIAL WOULD TAKE  
10:17AM 18 APPROXIMATELY THREE TO FOUR MONTHS. IF WE START JULY 13TH, I  
10:17AM 19 THINK WE CAN SEE WHERE THAT TAKES US INTO OCTOBER PERHAPS AND  
10:17AM 20 MAYBE THE END OF OCTOBER.

10:17AM 21 AND FROM MY SCHEDULE I HAD -- I THINK WE HAVE TWO  
10:17AM 22 OUT-OF-CUSTODY TRIALS SET IN NOVEMBER IF I'M NOT MISTAKEN THAT  
10:17AM 23 WERE SCHEDULED TO TAKE US THROUGH THE END OF THE YEAR, BUT, OF  
10:17AM 24 COURSE, ALL THINGS ARE SUBJECT TO CHANGE.

10:18AM 25 SO LET ME OPEN THE FLOOR. PERHAPS I SHOULD TURN TO THE

10:18AM 1 GOVERNMENT.

10:18AM 2 MR. LEACH, WHAT -- DO YOU WANT TO BE HEARD ON THOSE TWO  
10:18AM 3 TOPICS, THAT IS, THE -- A SCHEDULE AND A TRIAL DATE FOR  
10:18AM 4 MR. BALWANI? AND I'M HAPPY TO HEAR ABOUT THOSE IN EITHER ORDER  
10:18AM 5 YOU WISH.

10:18AM 6 MR. LEACH: SURE, YOUR HONOR. THANK YOU VERY MUCH.

10:18AM 7 I THINK THE COURT HAS ACCURATELY SUMMARIZED THE LAY OF THE  
10:18AM 8 LAND AND THE ESTIMATE FOR THE HOLMES TRIAL.

10:18AM 9 MR. BALWANI'S COUNSEL AND I BRIEFLY DISCUSSED AN  
10:18AM 10 ALTERNATIVE SCHEDULE OVER THE WEEKEND AND THROUGH MONDAY. THE  
10:18AM 11 GOVERNMENT -- WE'RE READY WHENEVER MR. BALWANI IS READY AND  
10:18AM 12 WHENEVER THE COURT IS READY, AND SO WE'RE REALLY GUIDED BY THE  
10:18AM 13 COURT'S SCHEDULE AND ARE JUST READY TO PROCEED WHENEVER THE  
10:18AM 14 COURT AND MR. BALWANI ARE. AND WE'RE HAPPY TO TALK SPECIFICS  
10:18AM 15 ABOUT THE SCHEDULE THAT WAS PROPOSED EARLIER OR CONFER FURTHER  
10:19AM 16 WITH MR. BALWANI'S COUNSEL ABOUT APPROPRIATE DATES AND PROPOSE  
10:19AM 17 THAT TO THE COURT, BUT I THINK THE COURT HAS ACCURATELY  
10:19AM 18 SUMMARIZED THE LAY OF THE LAND.

10:19AM 19 THE COURT: ALL RIGHT. THANK YOU.

10:19AM 20 AND I'LL TURN TO MR. COOPERSMITH NOW TO ASK HIS THOUGHTS.  
10:19AM 21 RECOGNIZING ALSO, AND I'M CURIOUS -- AND, MR. LEACH, I'M SORRY,  
10:19AM 22 I SHOULD HAVE PUT THIS TO YOU AS WELL -- I'M JUST CURIOUS,  
10:19AM 23 ASSUMING WE FINISH MS. HOLMES'S MATTER IN OCTOBER, EVEN IF IT'S  
10:19AM 24 CLOSEST -- LET'S ASSUME IT'S LATE OCTOBER, I EXPECT -- I  
10:19AM 25 SHOULDN'T SAY THAT. MY SENSE IS THAT THE PARTIES WILL WANT

10:19AM 1 SOME TIME, A BRIEF HIATUS, BETWEEN MS. HOLMES'S TRIAL AND  
10:19AM 2 MR. BALWANI'S TRIAL. AND MAYBE I'M MISTAKEN. MY SENSE IS THAT  
10:19AM 3 YOU DON'T WANT TO START A JURY SELECTION THE NEXT WEEK IN  
10:19AM 4 MR. BALWANI'S CASE. I DON'T KNOW IF THERE WILL BE A NATURAL  
10:19AM 5 BREAK IN BETWEEN THOSE TWO, AND I RAISE THAT ONLY FOR THE  
10:20AM 6 TIMING OF WHEN MR. BALWANI'S CASE SHOULD START.

10:20AM 7 MR. LEACH, DO YOU WANT TO COMMENT ON THAT?

10:20AM 8 MR. LEACH: YES, YOUR HONOR, BRIEFLY. I DO THINK  
10:20AM 9 THAT THERE WILL BE A WINDOW OF SOME TIME TOWARDS THE END OF THE  
10:20AM 10 YEAR. OF COURSE, THERE'S THANKSGIVING AND THERE'S THE  
10:20AM 11 CHRISTMAS HOLIDAY. IT'S NOT REALLY AN ISSUE THAT THE  
10:20AM 12 GOVERNMENT HAS A VIEW ON. IF THE COURT IS PREPARED TO PROCEED  
10:20AM 13 IN LATE 2021, THE GOVERNMENT IS PREPARED. I DO THINK SOME  
10:20AM 14 BREAK BETWEEN THE HOLMES AND BALWANI TRIAL IS APPROPRIATE, BUT  
10:20AM 15 WE'RE REALLY GUIDED BY THE COURT AND REALLY GUIDED BY THE  
10:20AM 16 DEFENDANT ON WHAT IS APPROPRIATE. I THINK THE COURT HAS  
10:20AM 17 IDENTIFIED THE POTENTIAL ISSUES THERE. BUT WE'RE READY WHEN  
10:20AM 18 MR. BALWANI IS READY AND WHEN THE COURT'S SCHEDULE PERMIT.

10:20AM 19 THE COURT: THANK YOU VERY MUCH.

10:20AM 20 MR. COOPERSMITH.

10:20AM 21 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

10:20AM 22 I WILL SAY THAT I DO LOVE WHEN THE GOVERNMENT SAYS THEY'RE  
10:20AM 23 GUIDED BY THE DEFENSE. THAT'S ALWAYS GOOD TO HEAR.

10:21AM 24 WITH REGARD TO THE SCHEDULE, WE -- LOOKING AT THE  
10:21AM 25 ESTIMATED LENGTH OF MS. HOLMES'S TRIAL AND TAKING INTO ACCOUNT

10:21AM 1 THE COURT'S REMARKS THIS MORNING ABOUT OTHER TRIALS AT LEAST  
10:21AM 2 FOR NOW BEING SCHEDULED IN NOVEMBER, THE HOLIDAY PERIOD AS  
10:21AM 3 MR. LEACH ALLUDED TO, WE THINK THAT A REALISTIC DATE FOR  
10:21AM 4 STARTING THE TRIAL IS IN JANUARY. IT PAINS ME TO SAY THIS IS  
10:21AM 5 2022 THAT WE'RE NOW TALKING ABOUT BELIEVE IT OR NOT.

10:21AM 6 BUT WE HAD PROPOSED OVER THE WEEKEND TO MR. LEACH  
10:21AM 7 JANUARY 25TH, 2022, AS A TRIAL DATE, AND THEN WE HAVE A  
10:21AM 8 SCHEDULE THAT WORKS BACKWARD FROM THERE WITH ADDITIONAL DATES  
10:21AM 9 WHICH WE'RE HAPPY TO SUBMIT TO THE COURT IF YOU WOULD LIKE.

10:21AM 10 I UNDERSTAND THAT THE GOVERNMENT PROBABLY DOES WANT SOME  
10:21AM 11 KIND OF BREAK, BUT THAT SEEMED LIKE A REALISTIC DATE TO US.  
10:21AM 12 OBVIOUSLY WE HOPE THAT BY THAT TIME, IF NOT MUCH EARLIER, WE'LL  
10:21AM 13 BE FREE OF THE COVID CRISIS AT LEAST TO A LARGE EXTENT.

10:22AM 14 THE COURT: ALL RIGHT. THANK YOU.

10:22AM 15 SO LET ME SAY IN THE SPIRIT OF FULL DISCLOSURE, WHEN I WAS  
10:22AM 16 LOOKING AT ALL OF THIS PRIOR TO OUR COURT DATE TODAY, I WAS  
10:22AM 17 WONDERING IF THE REALITY IS THAT A JANUARY TRIAL DATE IS REALLY  
10:22AM 18 THE MOST REALISTIC TO ACCOMPLISH. AND I DON'T -- IF  
10:22AM 19 MS. HOLMES'S CASE FINISHES IN LATE OCTOBER, I ANTICIPATE THAT,  
10:22AM 20 YOU KNOW, IF THERE'S AN ACQUITTAL, THEN THERE'S NO POST-TRIAL  
10:22AM 21 ISSUES TO DEAL WITH. IF THERE ISN'T AN ACQUITTAL, THERE MAY BE  
10:22AM 22 SOME POST-TRIAL ISSUES. I DON'T KNOW. I'M JUST TALKING IN  
10:22AM 23 GENERAL ABOUT TRIALS IN GENERAL AND HOW THEY OPERATE. THAT  
10:22AM 24 WOULD TAKE US INTO EARLY NOVEMBER.

10:22AM 25 I JUST WAS WONDERING ABOUT THE EFFICACY OF BRINGING IN



10:23AM 1 POTENTIAL JURORS IN THE HOLIDAYS, AS COUNSEL POINT OUT, THE  
10:23AM 2 THANKSGIVING HOLIDAY, AND THE OTHER CHRISTMAS HOLIDAY, THE  
10:23AM 3 DECEMBER HOLIDAYS THAT COME UPON US.

10:23AM 4 NOW, I SUPPOSE WE COULD ENGAGE -- WE COULD TRY TO DO JURY  
10:23AM 5 SELECTION IN THOSE MONTHS BUT NOT ENGAGE AN ACTUAL FORMAL TRIAL  
10:23AM 6 AND THEN BEGIN EVIDENCE IN EARNEST SOME TIME IN, SOME TIME IN  
10:23AM 7 JANUARY. THAT MIGHT CAPTURE SOME EFFICIENCIES AS WELL.

10:23AM 8 ALTHOUGH I JUST THINK THAT THE REALITY OF BRINGING THE  
10:23AM 9 PUBLIC IN FOR A TRIAL IN -- FOR JURY SELECTION, AND  
10:23AM 10 REALISTICALLY IT WOULD PROBABLY BE DECEMBER, BECAUSE I DO THINK  
10:23AM 11 THAT THE PARTIES WOULD WANT A BREAK OF SOME SORT. AND I  
10:23AM 12 HAVEN'T TALKED ABOUT THE COURT'S DESIRE. OF COURSE, THE COURT  
10:23AM 13 IS AS EAGER AS ALL OF YOU ARE TO GET THE CASE TO TRIAL, BUT  
10:24AM 14 THERE MIGHT BE SOME BREAKS THAT ARE NECESSARY FOR ALL PARTIES.

10:24AM 15 I'M JUST THINKING THAT REALISTICALLY SO I DON'T HAVE TO  
10:24AM 16 RESET AND RESET AS WE'VE DONE IN THE HOLMES CASE, OWING TO THE  
10:24AM 17 PANDEMIC PRIMARILY, I'M JUST WONDERING IF SETTING A DATE IN  
10:24AM 18 JANUARY MIGHT BE MORE REALISTIC FOR US, AND I'M NOT CERTAIN --  
10:24AM 19 I APPRECIATE, MR. COOPERSMITH, YOUR OFFER OF THE 25TH. I'M NOT  
10:24AM 20 CERTAIN THAT WE NEED TO GO THAT DEEP INTO JANUARY. I WAS  
10:24AM 21 WONDERING IF THE 11TH OR THE 18TH MIGHT BE A BETTER, A BETTER  
10:24AM 22 TIME TO START THE TRIAL.

10:24AM 23 MR. COOPERSMITH: THANK YOU, YOUR HONOR. WE'RE  
10:24AM 24 CERTAINLY OPEN TO THOSE DATES AS WELL.

10:24AM 25 THE COURT: THANK YOU. MR. LEACH.

10:24AM 1 MR. LEACH: EITHER IS FINE WITH THE GOVERNMENT,  
10:24AM 2 YOUR HONOR.

10:24AM 3 THE COURT: THANK YOU. I'M PAUSING, AND I'M LOOKING  
10:25AM 4 AT THE 11TH. IF WE STARTED OUR JURY SELECTION ON THE 11TH, THE  
10:25AM 5 NEXT WEEK WE HAVE A HOLIDAY ON A MONDAY. I'M CURIOUS IF WE  
10:25AM 6 WERE TO GET A JURY THAT WEEK, THAT IS, THE WEEK OF THE 11TH,  
10:25AM 7 THAT WOULD PROVIDE COUNSEL WITH A THREE DAY WEEKEND TO PREPARE  
10:25AM 8 FOR THE BEGINNING OF THE CASE ON THE 18TH, WHICH MIGHT BE  
10:25AM 9 HELPFUL TO COUNSEL TO PREPARE.

10:25AM 10 OF COURSE, AS YOU KNOW, THE COURT IS ALWAYS LOOKING OUT  
10:25AM 11 FOR THE INTERESTS OF COUNSEL. SO THAT MIGHT GIVE YOU SOME,  
10:25AM 12 SOME BUFFER.

10:25AM 13 WHY DON'T WE, MS. KRATZMANN, WHY DON'T WE SET  
10:25AM 14 JANUARY 11TH, JANUARY 11, 2022 --

10:26AM 15 THE CLERK: OKAY, YOUR HONOR.

10:26AM 16 THE COURT: -- AS THE DATE TO BEGIN JURY SELECTION  
10:26AM 17 IN MR. BALWANI'S CASE.

10:26AM 18 AND, MR. COOPERSMITH, SHOULD I EXCLUDE TIME THEN, SIR, TO  
10:26AM 19 JANUARY 11, 2022, THE TRIAL DATE, TO ALLOW FOR EFFECTIVE  
10:26AM 20 PREPARATION OF COUNSEL?

10:26AM 21 MR. COOPERSMITH: YES, YOUR HONOR. UNDER THE  
10:26AM 22 CIRCUMSTANCES I THINK THAT IS THE RIGHT COURSE BECAUSE OF THE  
10:26AM 23 DELAYS ASSOCIATED WITH COVID.

10:26AM 24 SO WE RECOGNIZE THE ISSUES AND FOR THAT REASON WE DO AGREE  
10:26AM 25 TO EXCLUDE TIME, AND MR. BALWANI DOES AGREE TO THAT.

10:26AM 1 THE COURT: ALL RIGHT. THANK YOU.

10:26AM 2 MR. LEACH, DO YOU ALSO AGREE TO AN EXCLUSION OF TIME?

10:26AM 3 MR. LEACH: YES, YOUR HONOR.

10:26AM 4 THE COURT: ALL RIGHT. THANK YOU.

10:26AM 5 THEN THE COURT WILL EXCLUDE TIME. TIME IS EXCLUDED TO  
10:26AM 6 JANUARY 11TH, 2022, AT 9:00 A.M. THAT IS WHEN WE WILL BEGIN  
10:26AM 7 JURY SELECTION.

10:26AM 8 I'M CURIOUS, COUNSEL, IF I SHOULD NOW, RATHER THAN TRY TO  
10:27AM 9 PICK DATES NOW, IF I SHOULD TASK YOU ONCE AGAIN WITH LOOKING AT  
10:27AM 10 WHAT YOU BELIEVE AN APPROPRIATE SCHEDULE WOULD BE AND THEN  
10:27AM 11 SUBMIT THAT TO THE COURT FOR APPROVAL.

10:27AM 12 MR. COOPERSMITH: YES, YOUR HONOR. WE DO HAVE A  
10:27AM 13 DRAFT GOING WITH MR. LEACH, AND I THINK WE CAN PRETTY QUICKLY  
10:27AM 14 AGREE ON THE DATES AND SUBMIT THAT TO THE COURT.

10:27AM 15 THE COURT: OKAY. MR. LEACH.

10:27AM 16 MR. LEACH: I AGREE, YOUR HONOR.

10:27AM 17 THE COURT: OKAY. LET'S DO THAT. I DO WANT TO SAY,  
10:27AM 18 AND I KNOW -- I DON'T WANT TO TALK ABOUT ANOTHER CASE WHEN ALL  
10:27AM 19 COUNSEL ARE NOT PRESENT, BUT THERE IS AN S.E.C. CASE THAT IS  
10:27AM 20 ALSO GOING.

10:27AM 21 I THINK, MR. COOPERSMITH, ARE YOU REPRESENTING MR. BALWANI  
10:27AM 22 IN THAT MATTER AS WELL?

10:27AM 23 MR. COOPERSMITH: YES, YOUR HONOR.

10:27AM 24 THE COURT: AND THE GOVERNMENT COUNSEL IN THAT CASE  
10:27AM 25 IS NOT PRESENT. I JUST WANT TO SAY THAT IT MAY BE THAT WE'LL

10:27AM 1 BE REACHING OUT TO COUNSEL IN THAT. I THINK WE HAVE A STATUS  
10:28AM 2 SET IN ANOTHER WEEK OR TWO, SOMETHING LIKE THAT. IT MAY BE  
10:28AM 3 THAT THAT NEEDS TO BE CHANGED. I CAN'T -- I HAVE A  
10:28AM 4 RECOLLECTION THAT THERE MIGHT BE A CONFLICT OR SOMETHING. SO  
10:28AM 5 WE MAY BE -- MS. KRATZMANN MAY BE REACHING OUT TO --

10:28AM 6 THE CLERK: YES, YOUR HONOR. THAT STATUS CONFERENCE  
10:28AM 7 IS SET FOR MARCH 25TH.

10:28AM 8 THE COURT: RIGHT. AND WE MAY BE REACHING OUT TO  
10:28AM 9 YOU TO SEE IF WE CAN MOVE THAT, TO ALL COUNSEL. THAT'S ALL I  
10:28AM 10 WANT TO SAY ON THAT. I DON'T WANT TO TALK ABOUT THE CASE, OF  
10:28AM 11 COURSE, WITHOUT COUNSEL PRESENT. SO WE'LL SEE ON THAT.

10:28AM 12 ALL RIGHT. ANYTHING FURTHER THAT THE PARTIES WISH TO  
10:28AM 13 DISCUSS THIS MORNING, MR. LEACH?

10:28AM 14 MR. LEACH: NOT FROM THE GOVERNMENT, YOUR HONOR.  
10:28AM 15 THANK YOU VERY MUCH.

10:28AM 16 THE COURT: MR. COOPERSMITH?

10:28AM 17 MR. COOPERSMITH: NOT FROM THE DEFENSE, YOUR HONOR.  
10:28AM 18 THANK YOU.

10:28AM 19 THE COURT: ALL RIGHT. SHOULD WE SET THEN ANOTHER  
10:28AM 20 STATUS FOR US HERE JUST TO KEEP US IN LINE?

10:28AM 21 I'LL TELL YOU WHAT, WHY DON'T I RECEIVE YOUR GOOD WORK ON  
10:29AM 22 A SCHEDULE, AND ONCE I GET THAT -- HOPEFULLY I CAN GET THAT IN  
10:29AM 23 THE NEXT COUPLE OF WEEKS MY SENSE IS -- AND ONCE I GET THAT  
10:29AM 24 I'LL ASK MS. KRATZMANN TO CONTACT YOU, AND WE'LL SET UP ANOTHER  
10:29AM 25 STATUS, JUST AN INTERVENING STATUS SOME TIME IN ANOTHER

10:29AM 1           WHATEVER IT IS, 90 DAYS, SOMETHING LIKE THAT, DEPENDING ON WHAT  
10:29AM 2           YOUR SCHEDULE LOOKS LIKE.

10:29AM 3           AND YOU CAN IN YOUR SCHEDULE, IF YOU WANT TO SUGGEST  
10:29AM 4           STATUS CONFERENCES, I AM HAPPY TO RECEIVE THOSE ALSO. I ALSO  
10:29AM 5           WANT TO REMIND THE PARTIES OF NEW REQUIREMENTS ABOUT THE COURT  
10:29AM 6           INFORMING THE PARTIES AS TO THE GOVERNMENT'S BRADY OBLIGATIONS,  
10:29AM 7           AND I THINK THE GOVERNMENT RECOGNIZES THEIR BRADY OBLIGATIONS,  
10:29AM 8           THEIR CONTINUING OBLIGATIONS THROUGHOUT THE TRIAL.

10:29AM 9           THE COURT JUST NEEDS TO STATE -- AND THESE ARE -- THE  
10:30AM 10          COURT'S STATEMENT WILL ALSO BE IN A MINUTE ORDER OF THIS  
10:30AM 11          PROCEEDING, AND I'LL ADOPT THAT MINUTE ORDER AS A STATEMENT  
10:30AM 12          REGARDING BRADY BY THIS COURT. THE COURT RECOGNIZES THAT THE  
10:30AM 13          GOVERNMENT HAS A BRADY OBLIGATION. THE GOVERNMENT RECOGNIZES  
10:30AM 14          THAT OBLIGATION AND IT CONTINUES THROUGHOUT THE TRIAL AND IN  
10:30AM 15          ANY POST PROCEEDINGS AS WELL. I THINK THE PARTIES ARE AWARE  
10:30AM 16          AND THE COURT WILL INFORM YOU THAT THERE COULD BE PENALTIES,  
10:30AM 17          SANCTIONS FOR BRADY VIOLATIONS THAT INCLUDE SEVERAL SANCTIONS,  
10:30AM 18          INCLUDING TERMINATING SANCTIONS AND OTHER TYPES OF SANCTIONS.  
10:30AM 19          I THINK THE PARTIES ARE AWARE OF THIS, BUT LET ME REFER YOU TO  
10:30AM 20          THE MINUTE ORDER FOR THE COURT'S ORDER IN THIS REGARD AS TO  
10:30AM 21          THIS BRADY OBLIGATION.

10:30AM 22          ANY QUESTIONS ABOUT THAT, MR. COOPERSMITH, OR COMMENTS?

10:30AM 23               MR. COOPERSMITH: NO, YOUR HONOR. THANK YOU.

10:30AM 24               THE COURT: MR. LEACH?

10:30AM 25               MR. LEACH: NO, YOUR HONOR. THANK YOU VERY MUCH.

10:30AM 1 THE COURT: ALL RIGHT. THANK YOU. ANYTHING FURTHER  
10:30AM 2 THEN FROM ANY PARTY?

10:31AM 3 IF NOT, THEN WE'LL CONCLUDE THE HEARING. I WISH YOU ALL  
10:31AM 4 GOOD HEALTH, CONTINUE TO BE SAFE. AND IT LOOKS LIKE THE  
10:31AM 5 VACCINE IS ROLLING OUT. I KNOW ALL OF YOU ARE DECADES TOO  
10:31AM 6 YOUNG TO GET IT IN THE CURRENT AGE BRACKET, BUT I HOPE IT  
10:31AM 7 BECOMES AVAILABLE TO YOU SOON AND THAT YOU AND YOUR FAMILIES  
10:31AM 8 REMAIN SAFE.

10:31AM 9 THANKS VERY MUCH. WE'LL CONCLUDE TODAY'S HEARING.

10:31AM 10 MR. LEACH: THANK YOU, YOUR HONOR. STAY WELL.

10:31AM 11 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

10:31AM 12 THE CLERK: COURT ADJOURNED. THIS WEBINAR SHALL  
10:31AM 13 TERMINATE.

10:31AM 14 (COURT CONCLUDED AT 10:31 A.M.)

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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

A handwritten signature in black ink that reads "Irene Rodriguez". The signature is written in a cursive, flowing style with a large, decorative flourish at the end of the last name.

IRENE RODRIGUEZ, CSR, RMR, CRR  
CERTIFICATE NUMBER 8074

DATED: FEBRUARY 11, 2021